

Stormwater Best Management Practices (BMP) Implementation on Private Property

Currently only loans may be used for BMP implementation on private property, with two exceptions:

1. Stream bank revegetation and fence construction are eligible for grant and loans under the Centennial program and grants under the Section 319 program if a conservation easement is given by the landowner.
2. New innovative/alternative technology is eligible for loans and grants under the Centennial program and grants under the Section 319 program if the technology has not yet been demonstrated in the Ecology region where the project is located. A landowner agreement is also required.

The reasoning behind these limitations on grant eligibility is that we want to focus our limited funds on areas where they will have the most impact (i.e. the riparian area). While riparian planting can also be applied in urban areas, their buffering function is often negated by stormwater pipes that discharge directly to streams. BMPs that promote infiltration, popularly known as low impact development (LID), can solve this problem. Puget Sound Action Team has made LID implementation a primary focus for stormwater management. And Ecology has integrated LID into our Stormwater Management Manual.

Large scale LID projects are appropriately only eligible for loan funding. However, infiltration features, such as 'rain gardens' and biofiltration swales, can be easily integrated into grant-funded riparian planting projects. As stated above, we want to focus our limited grant funds where they would have the most positive impact. Accordingly, we could limit grant funding for residential stormwater infiltration projects to targeted stream systems receiving both riparian restoration and stormwater infiltration. Ecology could funnel such grants through a stormwater utility, conservation district or non-profit organization. We could require a higher matching percent than for our typical grants (50% instead of 25%).

Question:

Should private property owners be eligible for grants for such stormwater BMPs as 'rain gardens' and biofiltration swales? This is only being considered as part of a targeted riparian restoration and infiltration BMP project.

Pros:

- 'Rain gardens' and biofiltration swales could be installed where currently landowners do not have an incentive to install them, which would benefit water quality.
- In areas where riparian planting is already being done, rain gardens and biofiltration swales could be easily integrated into the project, and would make the riparian restoration more effective.

- Providing grant funding for these BMPs would be consistent with Ecology and PSAT policies encouraging LID.
- For Phase II communities deprived of funding for educational and outreach required by permit, this would provide a good option for grant funding. Stormwater utilities could target stream-side residences with matching funds to encourage residential stormwater infiltration retrofits and riparian restoration. This could further the goals of some TMDLs but would still be grant eligible as long as the program is not a requirement.

Cons:

- Opening grant funding to this one BMP would raise the issue of where do you draw the line on eligibility.
- Rain gardens on private property could be a property improvement that the landowner would benefit from as a property enhancement (although perhaps no more of an enhancement than riparian plantings).

Recommendations:

New language suggested:

Implementation of best management practices in the riparian zone on private property consisting of revegetation, fence construction, [and other water quality BMPs as approved by the Department](#), and where a public easement [or landowner agreement](#) is given by the landowner.